

BOROUGH OF HIGHLANDS
Mayor & Council
Regular/Workshop Meeting
January 15, 2014

Meeting Location: Highlands Elementary School 360 Navesink Avenue, Highlands 07732

Mayor Nolan called the meeting to order at 7:07 p.m.

Ms. Cummins read through the following statement: As per requirement of P.L. 1975, Chapter 231, Notice is hereby given that this is a Work Shop/Regular Meeting of the Mayor & Council of the Borough of Highlands and all requirements have been met. Notice has been transmitted to the Asbury Park Press and the Two River Times. Notice has been posted on the public bulletin board.

ROLL CALL:

Present: Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan

Also Present: Carolyn Cummins, Borough Clerk

Tim Hill, Borough Administrator

Bruce Padula, Borough Attorney

Dale Leubner, Borough Engineer

Rob Keady, Borough Engineer

Steve Pfeffer, Borough CFO

Executive Session Resolution

Mayor Nolan offered the following Resolution and moved its adoption:

RESOLUTION
EXECUTIVE SESSION

BE IT RESOLVED that the following portion of this meeting dealing with the following generally described matters shall not be open to the public:

1.Litigation: Capt's Cove Marina
8 Bay Street

2.Contract: Review RFP's Grant Writing
Review RFP's Assistance in Prep. of Preparing Strat. Planning Rpt.
Shore Grafx Contract
Tim Hill Contract - Riced

3.Real Estate:

4. Personnel Matters:

5. Attorney-Client Privilege: Changes to Ordinances – D. Leubner

BE IT FURTHER RESOLVED that it is anticipated that the matters to be considered in private may be disclosed to the public at a later date when the need for privacy no longer exists; and

BE IT FURTHER RESOLVED that no portion of this meeting shall be electronically recorded unless otherwise stated; and

BE IT FURTHER RESOLVED that the private consideration is deemed required and is permitted because of the following noted exceptions set forth in the Act:

1. Any matter which, by express provision of Federal Law, State statute or rule of court shall be rendered confidential or excluded from public discussion. Rendered confidential by Federal law or that if disclosed would impair receipt of Federal funds.
2. Any matter in which the release of information would impair a right to receive funds from the federal government.
3. Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned

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(or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.

4. Any collective bargaining agreement, or the terms and the conditions of which are proposed for inclusion in any collective bargaining agreement, including the negotiation of terms and conditions with employees or representatives of employees of the public body.
5. Any matter involving the purchase lease or acquisition of real property with public funds, the setting of bank rates or investments of public funds where it could adversely affect the public interest if discussion of such matters were disclosed.
6. Any tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure could impair such protection. Any investigations of violations or possible violations of law
7. **Any pending or anticipated litigation or contract negotiation in which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.**
8. Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting. Subject to the balancing of the public's interest and the employee's privacy rights under South Jersey Publishing Co. v. New Jersey Expressway Authority, 124, NJ 478 (1991).
9. Any deliberation of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act of omission for which the responding party bears responsibility.

BE IT FURTHER RESOLVED that action may be taken after the executive session.

Seconded by Ms. Kane and approved on the following roll call vote:

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan
NAYES: None
ABSENT: None
ABSTAIN: None

Mayor and Council entered Executive Session.

Mayor Nolan called the Regular Meeting back to order at 8:05 p.m.

Mayor Nolan asked all to stand for the Pledge of Allegiance.

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan
NAYES: None
ABSENT: None
ABSTAIN: None

Committee Reports:

Mr. Pfeffer gave his report. He stated that he is in the process of finalizing the year end reports and the 2014 Budget.

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Mr. Pfeffer stated that the tax rate collection rate for 2012 was 96.32 and 95.55 for 2013. He said the Sewer Tax collection rate was also very high. He is projecting that we will have a \$725,000.00 surplus compared to \$353,000.00 surplus at the end of last year. He recommends the council to use caution with the 2015 budget. We need to be conservative with the 2014 Budget. He also recommended that we set up reserve account of \$100,000.00 for tax appeals. He continued to update council on various loans and gave his recommendations. He has some sold notes and will be closing tomorrow to finance the Community Center, purchase of ambulances and special emergencies.

Public Safety:

Chief Blewett had no report.

Mr. Francy asked Chief Blewett for updates on houses that were boarded up.

Chief Blewett agreed that something has to be done about abandoned properties. He continued to describe the various conditions.

Mayor Nolan asked if some of these properties are on the list to be demolished.

Mayor Nolan asked Chief Blewett for a list of the 10 properties so we can have Code Enforcement address this.

Ms. Kane and Mr. Redmond will work with Chief Blewett to identify the properties.

Ms. Kane said if it's legal, we could have our DPW board up building and mark them for the Fire Department that they are abandoned.

Mayor Nolan stated that we would board up the building and send the owner a certified letter and then lien the property.

Administration Report:

Mr. Hill gave his report.

1. Various Recovery Related items:

- a. Irene House Lifting – Meeting with FEMA rep's and Arcadis next week to prepare concise timeframes and schedule.
- b. PP DEMO. We are working with our state liaison and have appealed for a time Extension for PP DEMO. Houses that were on list are under review and will be fully vetted by FEMA.
- c. PWs. We have submitted 2.046 million (90% = 2.160) in Requests for Reimbursement
- b. WorkForce Development Program – WFD program has notified us of funding that will carry program through till January 29, 2014. We are meeting to review our program 1/16/14.

Continued reorganization of Distribution Center, Conducting visual inspections by Zones, reaching out to participating non-profits and charitable organizations to re-establish contacts and additional services to residents.

2. Department of Public Works

- a. Snow removal efforts were in place with assistance from seasonal hires.
- b. Continued rounds of garbage removal & storm drains.
- c. Responded to various sewer issues reported and followed up with Oswald clean out work required.

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d. vehicle maintenance needs are being identified and coordinated with AH

3. Building and Housing: BUILDING OFFICIAL REPORT

a. Construction Office: Hours for Secretary: Mon, Tues, Wed: 10:30 a.m. to 4:30 p.m. & Thursday, 12 noon to 6:00 p.m.

No report provided -----will send update when received.

b. Zoning Office

6 APPROVALS
2 BUILDABLE LOT DETERMINATIONS
2 MERCANTILE DENIALS
NUMEROUS VIOLATION INSPECTIONS

FLOODPLAIN:

5 FLOODPLAIN APPROVALS
1 SUCCESSFUL SUBSTANTIAL DAMAGE APPEAL
4 SUBSTANTIAL DAMAGE CONFIRMATIONS
1 LETTER OF COMPLIANCE
1 ELEVATION REQUIREMENT LETTER
NUMEROUS INSPECTIONS FOR COMPLIANCE
CONFIRMED CRS MEETING FOR 1/29/14

c. Code Enforcement - 12/1 - 12/31/13 24 inspections total, 12 failed inspections, 12 C/O's, 3 summons for 15 Miller St for garbage, abandoned vehicle, boat, garbage, weeds, and debris in the rear yard.

Elaine Broyles, Property Maintenance Officer 732.872.1224 x 215
highlandscodeenforcement@gmail.com Hours: Tuesdays & Wednesdays 4-8pm,
Saturdays 8am - 3pm Saturday 3:00 - 4:00 in office.

4. Recreation Department

Kids on the Move" Program - 38 Adult Indoor Soccer - 16 Highlands Recreation Dept. served hot chocolate and cookies at the Annual Tree Lighting Event, December 6th, with the help of the Henry Hudson Key Club - we served close to 300 cups of Hot Chocolate; Holiday Helpers, December 7th - 0 participants; Breakfast with Santa, December 14th - 100 participants; "Kids on the Move" Program Holiday Party, December 18th - 29 participants.

Upcoming Recreation Events / Programs

a. Adult Open Gym Indoor Soccer - December 4, 2013 - March 26, 2014, Wednesday evenings, 7:00 pm - 9:00 pm at HHRS

b. Kids on the Move Program ongoing at the Highlands Elementary School Gym, Mondays through Wednesdays, 3:00 pm -5:00 pm, for ages 8-14. Registration forms are available at the Borough Hall Trailer at 42 Shore Drive or in the HES gym on Mondays - Wednesdays from 3:00 pm - 5:00 pm.

c. Teen Nights - January 10th & 24th and February 21st & 28th (pending BOE approval) at the Highlands Elementary School Gym from 7:00 pm - 9:30 pm. The event is FREE and pizza and soda will be served. For more information please contact Heather DiBlasi at 908-601-5091.

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d. Sandy Hook Little League has started registration for spring baseball and softball for ages 5-16. Registration will only be done online this year. Please visit www.theshll.com and follow the link to register. Player's birth certificate and proof of residency will need to be uploaded. Register by January 31st to avoid any late fees. If you have any questions or concerns email SHLL at thesandyhookll@gmail.com.

5. Administration

- a. Working on 21 internal projects as identified by M/C.
- b. Continue working with various groups that are providing additional services to residents in town - Work Force Development, Future with Hope, Operation Hope, CPC Behavioral Health, NJ Center Healing Arts, H/AH Municipal Alliance, Highlands Recreation Dept., AH Rec. Committee, HBP, Affordable Housing Alliance and Community Y
- c. RFP'S rec'd for SRPR plan support and grant writer.
- d. Bid Opening held for PP Demo ---
- e. Met with architect and FEMA rep --- design plans will be underway with further discussion on Phase I and Phase II.
- f. Attendance at LFB for AHHRSA Dissolution.
- g. Continue to receive inquiries regarding street lighting, sanitary sewer items and other public works items.
- h. Additional meetings held with regards to CDBG funds, MC Open Space funding, and Snow Flake Foundation. Project timelines are to be established for implementation.

Mr. Francy questioned the municipal facilities and if we need to get more architectural support.

Mr. Hill will be meeting with the architect, Joe Tomaino, next week. He had to pick one project initially but he will be following up with the Borough Hall floor plan. He will be providing updates.

Library:

Ms. Ryan stated that our free library was featured last week on the little free library blog. It told the story of how we came to be after Sandy. We received many accolades. We will also be one of 25 stories featured in the "Little Free Library" Book focusing on after the storm. We have also applied for an additional grant for another little free library on the other end of town.

HBP:

Carla Cefalo-Braswell gave a brief update. She spoke of an \$18,000.00 grant they received. She further updated all on upcoming events.

Shared Services:

No report.

Affordable Housing – on agenda in error.

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Public Relations:

Ms. Ryan stated that she was asked to put together a newsletter. She contacted other towns. She is meeting with Sea Bright to speak to the people who put together their newsletter. She hopes to have the first one newsletter out by March. She will have a report at each council meeting.

AHRSA:

Mr. Francy gave an update. Mr. Francy and Mr. Hill met with the Local Finance Board for the second time. They were very complimentary on our work. They approved the dissolution anonymously. They thanked us for removing a level of government. The effective date is 3/31/2014. The council has to pass a resolution by that date memorializing the dissolution. There will be a presentation before the resolution is passed explaining why this was done and explaining the benefits. It will be open to the public. He further explained the dissolution. We need to focus on I & I as part of our long term recovery. We are at our limit in sewer connections.

Consent Agenda:

Mayor Nolan asked the governing body if they had any questions on the resolutions.

Mayor Nolan asked for Resolution R-14-40 to be discussed separately.

Mayor Nolan offered the following Resolution and moved on its adoption:

BOROUGH OF HIGHLANDS
COUNTY OF MONMOTH

R-14-32

RESOLUTION PERMITTING PRE-PAYMENT OF CERTAIN ITEMS

WHEREAS, the Governing Body of the Borough of Highlands budgets funds for payment of such items as utilities, payroll, contractual agreements previously approved and authorized by the Governing Body, debt service, governmental fees and other statutory payments, insurance, employer paid employee benefits, and for the advertising, printing and mailing costs of the Borough; and

WHEREAS, the payment of these items frequently arrives out of time for placement on the next available bill list, and in several months of the year the Governing Body meets only once a month, thereby inadvertently placing these bills and mailings in arrears because of the schedule of meetings; and

WHEREAS, the Governing Body wishes to designate one person who may approve claims between meetings of the Governing Body. The Governing Body of the Borough of Highlands wishes to provide for the pre-payment of certain items, so that they may be paid in a timely manner;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands that the Chief Financial Officer be and is hereby authorized to make pre-payment of the following fixed items prior to the same appearing on the meeting bill list, such funds to be taken from the pre-budgeted amount for each such expense:

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1. Utilities (electric, gas, water, sewer, telephone, cellular telephone, gasoline, diesel fuel, internet providers, etc.). The Chief Financial Officer is hereby authorized, if desirable, to establish an electronic payment plan (sometimes referred to as zip check) with the various utilities. This resolution would authorize said utilities to debit the appropriate Borough bank accounts as required.
2. Payroll and various payroll agencies.
3. Contractual agreements previously authorized and approved by the Governing Body including sanitation and recycling collection contracts and associated tipping fees.
4. Debt service.
5. Governmental fees and other statutory payments (school, county, special district taxes, regional sewage authority and County of Monmouth Reclamation fees).
6. Insurance.
7. Employer paid employee and retired employee benefits.
8. Bills pertaining to the advertising, printing and mailing costs of the Borough.
9. Bills where vendor discounts are granted for timely payments. Example: 2% discount for payments made within 10 days. Maximum dollar amount allowed is \$10,000.
10. Payment of any other item deemed necessary by the Chief Financial Officer that does not exceed \$20,000.
11. Third Party Tax Lien and Premium Redemptions.

Seconded by Ms. Kane and adopted on the following roll call vote:

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan
NAYES: None
ABSENT: None
ABSTAIN: None

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INSERT R-14-33

HIGHLANDSNJ.COM

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Mayor Nolan offered the following Resolution and moved on its adoption:

R-14-34

AUTHORIZING REFUND OF SEWER OVERPAYMENT

WHEREAS, the Tax Collector of the Borough of Highlands has reviewed the rolls and determined that certain monies are due and payable by the Borough of Highlands to certain residents and property owners within the Borough of Highlands, as a result of an overpayment of sewer fees, and

WHEREAS, the Tax Collector recommends the immediate reimbursement of the excess funds currently collected by the Borough of Highlands to certain enumerated individuals,

NOW, THEREFORE BE IT AND IT IS HEREBY RESOLVED by the Mayor and Council of the Borough of Highlands, in the County of Monmouth, State of New Jersey, that the Tax Collector is authorized to immediately refund and pay the overpayment of taxes to the individuals and property owners of the specific properties listed below, and attached hereto:

<u>BLOCK</u>	<u>LOT</u>	<u>YEAR</u>	<u>AMOUNT</u>	<u>NAME</u>
Re: Taxpayer Excess Payment				
81	12	2013	\$185.46	Maria Gonzalez
(Acc#6180-0)				
20	10	2013	\$140.00	Jessica Gambino

Seconded by Ms. Kane and adopted on the following roll call vote:

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Franczy, Ms. Kane, Mayor Nolan

NAYES: None

ABSENT: None

ABSTAIN: None

Mayor Nolan offered the following Resolution and moved on its adoption:

R-14-35
RESOLUTION
APPROVING RAFFLE LICENSE
APPLICATION NO. RA#1317-14-1
HI-MAR STRIPER CLUB, INC.

WHEREAS, the Hi-Mar Striper has submitted a Raffle License Applications No. RA1317-14-1.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands hereby approves Raffle License Application RA#1317-14-1 for the Hi-Mar Striper and the Borough Clerk is authorized to sign off on licenses.

Seconded by Ms. Kane and adopted on the following roll call vote:

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ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan
NAYES: None
ABSENT: None
ABSTAIN: None

Mayor Nolan offered the following Resolution and moved on its adoption:

R-14-36
Resolution Approving Hurricane Sandy National Emergency Grant Agreement
NO. HS-PY12-22 MOD 4 EXT with
the Board of Chosen Freeholders of the County of Monmouth

Whereas, Hurricane Sandy caused extensive damage within Borough of Highlands; and

Whereas, as part of the recovery effort additional employment is needed ; and

Whereas, the Board of Chosen Freeholders of the County of Monmouth have approved the Borough to receive Hurricane Sandy National Emergency Grant which covers the costs to employ temporary employees;

Now, therefore, be it Resolved by the governing body of the Borough of Highlands that the attached Hurricane Sandy National Emergency Grant agreement between the Borough, Highlands and the Board of Chosen Freeholders of the County of Monmouth is hereby approved.

BE IT FURTHER RESOLVED that the Borough Administrator is authorized to execute the agreement No. HS-PY12-22 MOD 4 EXT on behalf of the Borough.

Seconded by Ms. Kane and adopted on the following roll call vote:

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan
NAYES: None
ABSENT: None
ABSTAIN: None

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COUNTY OF MONMOUTH

Mayor Nolan offered the following Resolution and moved its adoption:

R-14-37
RESOLUTION CANCELING 2013 BUDGET APPROPRIATIONS
CURRENT BUDGET
EFFECTIVE DECEMBER 31, 2013

WHEREAS, the following budget appropriation balances remain unexpended:

Current	150,073.97
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WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be credited to surplus.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Highlands

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that the unexpended balances listed below be canceled in the current fund.

Seconded by Ms. Kane and adopted on the following roll call vote:

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan
NAYES: None
ABSENT: None
ABSTAIN: None

Mayor Nolan offered the following Resolution and moved on its adoption:

R-14-39
RESOLUTION AUTHORIZING
REFUNDS OF REMAINING
UNUSED ZONING BOARD ESCROW FUNDS

WHEREAS, the Board Secretary has reviewed the following escrow accounts and has received authorization from both the Board Attorney and Board Engineer that there are no outstanding invoices due to them; and

<u>Account #</u>	<u>Name</u>	<u>Block</u>	<u>Lot</u>	<u>Amount</u>
T-03-56-856-810-109	Quick Chek	108	2.01	\$861.39
T-03-56-856-815-120	A & H Bldg & Remodeling, LLC	Howell Property 28	15.05	\$165.00
T-03-56-856-810-121	Camco Resources	66	12 – 13.01	\$3398.73

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the Chief Financial Officer is hereby authorized and directed to refund the above referenced applicants their remaining escrow funds.

Seconded by Ms. Kane and adopted on the following roll call vote:

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan
NAYES: None
ABSENT: None
ABSTAIN: None

Mayor Nolan offered the following Resolution and moved on its adoption:

R-14-41
AUTHORIZING REFUND OF BUILDING PERMIT OVERPAYMENT

WHEREAS, the Building Department Secretary of the Borough of Highlands has reviewed the rolls and determined that certain monies are due and payable by the Borough of Highlands to certain residents and property owners within the Borough of Highlands, as a result of an overpayment of a building permit fee, and

WHEREAS, the Building Department Secretary recommends the immediate reimbursement of the excess funds currently collected by the Borough of Highlands to certain enumerated individuals,

NOW, THEREFORE BE IT AND IT IS HEREBY RESOLVED by the Mayor and Council of the Borough of Highlands, in the County of Monmouth, State of New Jersey, that the Chief Financial Officer

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is authorized to immediately refund and pay the overpayment of a building permit fee to the individuals and property owners of the specific properties listed below, and attached hereto:

<u>BLOCK</u>	<u>LOT</u>	<u>AMOUNT</u>	<u>NAME</u>
82	4	\$60.00	Patricia Japingie, 88 Washington

Seconded by Ms. Kane and adopted on the following roll call vote:

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan

NAYES: None

ABSENT: None

ABSTAIN: None

Mayor Nolan offered the following resolution and moved for its adoption:

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R-14-42

RESOLUTION - CANCELING GRANT FUND RECEIVABLES
EFFECTIVE DECEMBER 31, 2013

WHEREAS, various receivable balances remain on the balance sheet of the grant fund; and

WHEREAS, the Chief Financial Officer has investigated the receivable balances and has determined that these receivables should be canceled;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highlands that the following grant receivable balances in the amount of \$300.00 be and the same are hereby canceled:

Bayshore Saturation Grant	\$300.00
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Seconded by Ms. Kane and adopted on the following roll call vote:

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan

NAYES: None

ABSENT: None

ABSTAIN: None

Mayor Nolan offered the following resolution and moved for its adoption:

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R-14-43

RESOLUTION - CANCELING VARIOUS GRANT FUND RESERVES
EFFECTIVE DECEMBER 31, 2013

WHEREAS, various reserve balances remain on the balance sheet of the grant fund; and

WHEREAS, the Chief Financial Officer has investigated the reserve balances and has determined that these reserves should be canceled;

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NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highlands that the following reserves in the amount of \$1086.32 be and the same are hereby canceled:

Bayshore Saturation Grant	\$300.00
2012 Summer Food Program	\$786.32

Seconded by Ms. Kane and adopted on the following roll call vote:

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan
NAYES: None
ABSENT: None
ABSTAIN: None

Mayor Nolan offered the following Resolution and moved on its adoption:

Borough of Highlands
County of Monmouth
R-14-44
Resolution authorizing an increase in hourly wage payments to
any employee affected by the increase in the New Jersey
Minimum Wage

Whereas, effective January 1, 2014, the New Jersey State Minimum Wage is increasing to \$8.25 per hour; and

Whereas, certain Borough employees may be affected by this change in the law; and

Whereas, the Borough wishes to comply with the increased minimum wage to the extent applicable to Borough employees.

Now, therefore, be it RESOLVED, that the governing body of the Borough of Highlands authorizes and directs the Finance Department to review the status of each employee and raise the hourly wage of any employee in accordance with the New Jersey Minimum Wage Law, N.J.S.A. 34:11-56a et seq., retroactive to January 1, 2014.

Seconded by Ms. Kane and adopted on the following roll call vote:

ROLL CALL:

NAYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan
AYES: None
ABSENT: None
ABSTAIN: None

Mayor Nolan offered the following Resolution and moved on its adoption:

R-14-45
AUTHORIZING REFUND OF TAX OVERPAYMENT

WHEREAS, the Tax Collector of the Borough of Highlands has reviewed the rolls and determined that certain monies are due and payable by the Borough of Highlands to certain residents and property owners within the Borough of Highlands, as a result of an overpayment of taxes, and

WHEREAS, the Tax Collector recommends the immediate reimbursement of the excess funds currently collected by the Borough of Highlands to certain enumerated individuals,

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NOW, THEREFORE BE IT AND IT IS HEREBY RESOLVED by the Mayor and Council of the Borough of Highlands, in the County of Monmouth, State of New Jersey, that the Tax Collector is authorized to immediately refund and pay the overpayment of taxes to the individuals and property owners of the specific properties listed below, and attached hereto:

<u>BLOCK</u>	<u>LOT</u>	<u>YEAR</u>	<u>AMOUNT</u>	<u>NAME</u>
Re: Taxpayer is Disabled Veteran				
48	2	2013	2,742.40	R & J Robertson

Seconded by Ms. Kane and adopted on the following roll call vote:

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan
NAYES: None
ABSENT: None
ABSTAIN: None

Mayor Nolan offered the following Payment of Bills and moved on its approval for payment:

RECAP OF PAYMENT OF BILLS
01/15/2014

CURRENT:		\$	88,443.27
Payroll	(12/30/2013)	\$	104,920.90
Manual Checks		\$	846,012.70
Voided Checks		\$	
SEWER ACCOUNT:		\$	123,419.26
Payroll	(12/30/2013)	\$	2,994.46
Manual Checks		\$	44,386.63
Voided Checks		\$	
CAPITAL/GENERAL		\$	5,596.00
CAPITAL-MANUAL CHECKS		\$	9,918.38
Voided Checks		\$	
WATER CAPITAL ACCOUNT		\$	
TRUST FUND		\$	38,772.36
Payroll	(12/30/2013)	\$	200.00
Manual Checks		\$	
Voided Checks		\$	
UNEMPLOYMENT ACCT-MANUALS		\$	
DOG FUND		\$	
GRANT FUND		\$	450.00

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Payroll	(12/30/2013)	\$	5,032.03
Manual Checks		\$	182.00
Voided Checks		\$	

DEVELOPER'S TRUST		\$	
Manual Checks		\$	
Voided Checks		\$	

**THE COMPLETE PAYMENT OF BILLS IS AVAILABLE IN
THE CLERK'S OFFICE FOR ANYONE THAT WISHES TO REVIEW THE LIST.**

SUPPLEMENTAL BILL LIST
January 15, 2014

CURRENT FUND

Arcadis	Debris Removal & Demolition Program	39,435.00
Scott Arnette	Legal Dec 2013	1,173.00
Bob's Uniforms	First Aid Uniforms	1,615.00
Future Sanitation	Garbage/Recycling 1/1/14-1/15/14	8,450.00
Horizon	Dental Insurance Dec 2013 & Jan 2014	774.80
NJSHBP	Health Insurance Jan 2014	85,341.64
McManimon Scotland & Baumann	Bond Counsel Services thur 12/31/13	11,112.04
Naylor's	Auto Parts & Supplies Dec 2013	519.02
NJDCA	3rd Quarter Training Fees	7,081.97
Praxair - (Welco)	Industrial Gases - Dec 2013	69.91
Red Bank Recycling	Container Transport Dec 2013	200.00
Riverfront in the Highlands	Street Lighting Reimb.	118.37
Jack Serpico	Loegal November 2013	1,142.50
Stephen Pfeffer	Postage Reimbursement	21.60
Reggie Robertson	Tax Overpayment	2,742.40
Treasurer, State of NJ	4th Quarter Marriage Licenses	300.00

Total Current Fund	160,097.25
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CAPITAL FUND

T & M Associates	Retaining Wall 8 Bay St	5,826.50
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Total Capital Fund	5,826.50
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GRANT FUND

Total Grant Fund	0.00
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SEWER UTILITY FUND

Jessica Gambino Sewer Overpayment	\$140.00
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NJSHBP	Health Insurance Jan 2014	1,799.79
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Total Sewer Utility Fund		<u>1,939.79</u>
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TRUST FUND

Giordano Contracting	Rubber Safety Surface - New Sandy Playground	20,000.00
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Total Trust Fund		<u>20,000.00</u>
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Total Supplemental Bill List		<u>187,863.54</u>
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Seconded by Ms. Kane and approved on the following roll call vote:

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan
NAYES: None
ABSENT: None
ABSTAIN: None

Minutes Approved on Consent Agenda:

Mayor Nolan offered a motion for the approval of the Regular and Executive Minutes from December 4th, December 10th, December 11th and December 18th, 2013, seconded by Ms. Kane and all were in favor on the following roll call vote:

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan
NAYES: None
ABSENT: None
ABSTAIN: None

Other Resolutions:

R-14-40 – Resolution Disposition of Captain’s Cove Marina Bond:

Mrs. Cummins read the title of R-14-40.

Mr. Padula stated that we were at municipal court last Tuesday. There were approximately 16 code violations. Some charges were dropped. Captain’s Cove will be paying a fine of \$12,000.00 to the Borough of Highlands which will be paid out of the \$25,000.00 bond that he posted with the Borough a year and a half ago. That work is now complete. He is providing us with an engineer’s certification that the work is satisfactory. Upon receipt of that, we will release the \$12,000.00 to the Borough and the remainder to Captain’s Cove. We also reached an agreement for the Borough to access his property and reinstall the drain into the marina and secure the building with a chain link fence. A stockade fence will be installed around the parking lot area. Most of this has to be done within 30 to 60 days. Some work will take a little longer because of weather conditions.

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Mr. Francy stated the other part of the agreement is the mercantile license to operate for 2013 & 2014 to be renewed in 2015. He feels the council should direct Mr. Leubner to install the drain.

Mayor Nolan offered the following Resolution and moved on its adoption:

R-14-40

Resolution concerning disposition of a \$25,000.00 cash maintenance bond posted by RA Multimedia Group concerning repairs made to the Washington Ave Bulkhead

Whereas, RA Multimedia Group ("RA") posted a \$25,000 cash bond ("Bond") in relation to construction work on its bulkhead along Washington Ave; and

Whereas, that work has been completed; and

Whereas, the Borough wishes to dispose of the Bond; and

Whereas, the Borough engineer has consented to disposition of the Bond; and

Whereas, RA wishes to utilize the Bond to satisfy certain code violations related to the property adjudicated on January 7, 2013; and

Whereas, the Borough consents to utilization of the Bond to satisfy those violation.

Now, therefore, be it RESOLVED by the governing body of the Borough of Highlands that the Clerk and CFO are directed to dispose of the Bond in the following manner:

1. \$ 11,930.00 shall be turned over to the Borough to satisfy the aforementioned code violations; and
2. The remaining balance of \$ 13,070.00 shall be returned to RA upon receipt of the Engineer's certification, which was a condition of the plea agreement entered on January 7, 2013.

Seconded by Ms. Kane and adopted on the following roll call vote:

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan

NAYES: None

ABSENT: None

ABSTAIN: None

R-14-38 – Resolution Appointing Police Communication Worker:

Mrs. Cummins read the title of R-14-38.

Mayor Nolan offered the following Resolution and moved on its adoption:

R-14-38

**RESOLUTION APPOINTING
ONE FULL-TIME AND THREE PART-TIME POLICE COMMUNICATIONS
OPERATORS**

WHEREAS, the recent hiring of two Police Communication Operators as full-time Police Officers has left the Police Department with vacancies for Operator positions; and

WHEREAS, it is the recommendation of the Chief of Police that Jason David Zito and Krisida Burton be appointed.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highlands that the following appointments be made effective immediately:

Jason D. Zito Full-time

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Krisida Burton	Part-time
Connor McGrath	Part-time
John Niejadik	Part-time

BE IT FURTHER RESOLVED that said appointments be compensated at an hourly rate of \$9.50 per hour.

Seconded by Ms. Kane and adopted on the following roll call vote:

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan

NAYES: None

ABSENT: None

ABSTAIN: None

R-14-47 – Resolution Authorizing Professional Engineering Services:

Mrs. Cummins read the title of R-14-47.

Ms. Kane offered the following Resolution and moved its adoption:

BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

R-14-47

**RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN
CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES
T & M ASSOCIATES**

WHEREAS, the Borough of Highlands has a need for professional engineering services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, such professional engineering services can only be provided by licensed professionals and the firm of T & M Associates, Eleven Tindall Road, Middletown, N.J. 07748-2792 is so recognized; and

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the contract will exceed \$17,500; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$150,000 plus reimbursable expenses for Professional Engineering Services, Zoning Officer and Flood Officer services provided to the Borough of Highlands for the period January 1, 2014 through December 31, 2014; and

WHEREAS, T&M Associates has completed and submitted a Business Entity Disclosure Certification which certifies that T&M Associates has not made any reportable contributions to a political or candidate committee in the Borough of Highlands in the previous one year and that the contract will prohibit T&M Associates from making any reportable contributions through the term of the contract, and

WHEREAS, T & M Associates has completed and submitted a Political Contribution Disclosure form in accordance with P.L. 2005, c 271; and

WHEREAS, certification of availability of funds is hereby provided by the Chief Financial Officer of the Borough of Highlands contingent upon the adoption of the 2014 Municipal Budget:

I hereby certify funds are available as follows:

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Current Fund: General Engineering and Stormwater Management
Sewer Utility Fund: Other Expenses and
Grant Fund: Stormwater Management Grant

Stephen Pfeffer, Chief Financial Officer

WHEREAS, the Local Public Contracts Law N.J.S.A. 40A:11-1 et. seq. requires that notice with respect to contracts for professional services awarded without competitive bids must be publicly advertised;

NOW, THEREFORE, BE IT RESOLVED BY THE Borough Council of the Borough of Highlands as follows:

1. Robert Keady, P.E. & Dale Leubner of T & M Associates are hereby retained to provide professional engineering, Zoning Officer and Flood Officer services as described above for an amount not to exceed \$150,000 plus reimbursable expenses.
2. The contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession. The Mayor and Borough Clerk are hereby authorized to sign said contract.
3. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
4. The Borough Clerk is hereby directed to publish notice of this award as required by law.

Seconded by Mayor Nolan and adopted on the following roll call vote:

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan
NAYES: None
ABSENT: None
ABSTAIN: None

R-14-48 – Resolution Amending Professional Legal Services – Arnette:

Mrs. Cummins read the title of R-14-48.

Mr. Pfeffer gave a brief explained of the resolution.

Mayor Nolan offered the following Resolution and moved its adoption:

BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

R-14-48

**AMENDING RESOLUTION 13-29 AUTHORIZING THE AWARD OF A NON-FAIR
AND OPEN CONTRACT FOR PROFESSIONAL LEGAL SERVICES
THE ARNETTE LAW FIRM, LLC**

WHEREAS, the Borough of Highlands adopted Resolution R-13-29 at a meeting held on January 1, 2013 awarding the above contract to the Arnette Law Firm, 830 Broad Street, Shrewsbury, N.J. 07702 for an amount not to exceed \$15,000 plus reimbursable expenses for tax appeal, tax litigation and special litigation matters; and

WHEREAS, ongoing tax appeal and tax litigation matters necessitate that this contract be amended for an additional amount of \$856.25 for a total contract amount of \$15,856.25; and

WHEREAS, the Arnette Law Firm LLC has completed and submitted a Business Entity Disclosure Certification which certifies that the Arnette Law Firm has not made any reportable contributions to a political or candidate committee in the Borough of Highlands in the previous

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one year, and that the contract will prohibit the Arnette Law Firm LLC from making any reportable contributions through the term of the contract, and

WHEREAS, the Arnette Law Firm LLC has completed and submitted a Political Contribution Disclosure form in accordance with P.L. 2005, c 271; and

WHEREAS, certification of availability of funds is hereby provided by the Chief Financial Officer of the Borough of Highlands as follows :

I hereby certify funds are available from the 2013 budget as follows:

Legal Other Expenses
Sewer Utility Other Expenses

Stephen Pfeffer, Chief Financial Officer

WHEREAS, the Local Public Contracts Law N.J.S.A. 40A:11-1 et. seq. requires that notice with respect to contracts for professional services awarded without competitive bids must be publicly advertised;

NOW, THEREFORE, BE IT RESOLVED BY THE Borough Council of the Borough of Highlands as follows:

5. The Arnette Law Firm, LLC is hereby retained to provide professional legal services as described above for an amount not to exceed \$15,856.25 plus reimbursable expenses.
6. The contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession. The Mayor and Borough Clerk are authorized to sign the contract.
7. A copy of the Resolution as well as the contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
8. The Borough Clerk is hereby directed to publish notice of this award as required by law.

Seconded by Ms. Kane and adopted on the following roll call vote:

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan
NAYES: None
ABSENT: None
ABSTAIN: None

R-14-49 – Resolution Accepting Letter of Resignation from the Zoning Board:

Mrs. Cummins read the title of R-14-49.

Mayor Nolan offered the following Resolution and moved on its adoption:

R-14-49
RESOLUTION ACCEPTING WITHDRAWAL
FROM ZONING BOARD

WHEREAS, Danielle Cherence was appointed as Alternate #2 member of the Zoning Board on January 1, 2014; and

WHEREAS, Danielle Cherence has submitted a letter of withdrawal of application for zoning board appointment dated January 13, 2014.

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NOW, THEREFORE BE IT RESOLVE by the Mayor and Council of the Borough of Highlands that Borough hereby accepts the resignation from Danielle Cherence.

Seconded by Ms. Kane and adopted on the following roll call vote:

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan
NAYES: None
ABSTAIN: None
ABSENT: None

R-14-50 – Resolution Appointing Alt#2 Member of the Zoning Board:

Mrs. Cummins read the title of R-14-50.

Mayor Nolan offered the following Resolution and moved for its adoption:

R-14-50
RESOLUTION APPOINTING MEMBER OF THE ZONING BOARD OF
ADJUSTMENT

BE IT RESOLVED by the Governing Body of the Borough of Highlands that the following appointments be and are hereby confirmed to the Zoning Board of Adjustment:

- | | |
|-----------------|--|
| 1. Linda Ziemba | Alternate #2 Member for a 2Year Term
to Expire 12/31/2015 |
|-----------------|--|

Seconded by Ms. Ryan and adopted on the following roll call vote:

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Ms. Kane, Mayor Nolan
NAYES: Mr. Francy
ABSENT: None
ABSTAIN: None

Highlands Business Partnerships 2014 Budget Public Hearing & Adoption:

R-14-46 – Resolution Adopting HBP 2014 Budget

Mrs. Cummins read the title of R-14-46 and stated that this was published in the December 25th edition of the Two River Times.

Mayor Nolan opened the public hearing.

Carla Cefalo-Braswell explained that there haven't been any changes. It is the same as last year.

Mayor Nolan spoke about a Memorial Day Parade. We could have a meeting sometime in March to discuss this. The Highlands Business Partnership could assist the Veteran Groups if they bring anything to the table.

Carla Cefalo-Braswell said they could help.

There were no questions from the public.

Mayor Nolan closed the public hearing.

Mayor Nolan offered the following HBP 2014 Budget and moved on its adoption:

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R-13-46
HIGHLANDS BUSINESS IMPROVEMENT DISTRICT
District Management Corporation
Highlands Business Partnership
January 1, 2014– December 31, 2014

<u>COMMERCIAL DISTRICT</u>	2014
<u>PROGRAM BUDGET</u>	EXPENSE
Visual Improvement.....	25,000.00
<input type="checkbox"/> Beautification	
<input type="checkbox"/> Maintenance	
<input type="checkbox"/> Holiday & Seasonal	
<input type="checkbox"/> Street Banners	
Special Events Calendar.....	\$55,000.00
<input type="checkbox"/> Creation of events	
Marketing & Communications.....	\$15,000.00
<input type="checkbox"/> Ad campaigns	
<input type="checkbox"/> Tourism	
<input type="checkbox"/> Public Relations	
<input type="checkbox"/> Image Building	
<input type="checkbox"/> Visitor Guide 2014-2015	
<input type="checkbox"/> Audio & Video Media	
<input type="checkbox"/> Maintain Website & Database & Graphic Ad Design.....	\$10,000.00
Economic Development.....	\$15,000.00
• Business Recruitment/Retention & Redevelopment	
Administrative Budget	
Personnel.....	\$30,000.00
Miscellaneous.....	\$10,000.00
<input type="checkbox"/> Legal	
<input type="checkbox"/> Audit	
<input type="checkbox"/> Insurance	
<input type="checkbox"/> Office Supplies	
<input type="checkbox"/> Utilities – Telephone, fax & electric	
<input type="checkbox"/> License & fees	
TOTAL Expenses.....	\$160,000.00

HIGHLANDS BUSINESS IMPROVEMENT DISTRICT
District Management Corporation
Highlands Business Partnership
January 1, 2014 – December 31, 2014

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COMMERCIAL DISTRICT
PROGRAM BUDGET

2014
Income

Special Events Income.....\$85,000.00
• Vendor Fees Income
• Event Income (Social Affairs & Raffle Permit income)

Marketing & Communications.....\$25,000.00
• Sponsorship Income
• Barter Goods & Services (approx. \$12k)

TOTAL Income\$110,000.00

TOTAL ASSESSMENT INCOME REQUIRED TO OPERATE - \$50,000.00

Seconded by Mr. Redmond and adopted on the following roll call vote;

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan

NAYES: None

ABSENT: None

ABSTAIN: None

Ordinances –Introduction & Setting of Public Hearing Date of February 19, 2014:

O-14-3 – Zoning Ordinance Amendment RE: Nonconforming Uses

Mrs. Cummins read the title of O-14-3. She corrected the public hearing date on the agenda to February 19th, 2014. It needs to go to the Planning Board for review.

Mayor Nolan offered the following Ordinance and moved on its introduction and setting of a public hearing date of February 19, 2014 at 8:00 p.m.

BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH
ORDINANCE NO. O-14-3

AN ORDINANCE AMENDING § 21-98 OF THE BOROUGH CODE REPEALING § 21-98(F)(1)(B) TO ELIMINATE THE REQUIREMENT FOR NON-CONFORMING LOTS THAT THE LOT AREA IS NOT LESS THAN SEVENTY PERCENT (70%) OF THE REQUIRED LOT SIZE AND RE-LETTERING THAT SUBSECTION AS APPROPRIATE

WHEREAS, N.J.S.A. 40:48-1, et seq. authorizes local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry; and

WHEREAS, the changes contained in this ordinance have been recommended by the Zoning Officer and Borough Engineer; and

WHEREAS, the Governing Body have determined that it is in the best interests of the residents of the Borough to amend Code Section 21-98 to provide for the within changes; and

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NOW THEREFORE BE IT ORDAINED, by the Governing Body of the Borough of Highlands, the County of Monmouth, in the State of New Jersey, as follows:

NOTE: All additions are shown in ***bold italics with underlines***. The deletions are shown as ***~~strikeovers in bold italics~~***. Sections of Chapter 21 that will remain unchanged are shown in normal type.

Section 1. Chapter 21, Section 98, Subsection F(1) “Nonconforming Lots in a Residential Zone” shall be amended as follows:

- (a) The proposed use will be a new single family dwelling or the enlargement of an existing single-or two-family use. A single family dwelling shall not be converted to a two-family dwelling.
- (b) ~~*The lot area is not less than seventy (70%) percent of the required lot size.*~~
- (c) There is no available vacant land abutting the lot.
- (d) The lot either provides off-street parking or the proposed enlargement includes the provision of off-street parking.
- (e) The building and lot coverage will not be exceeded.
- (f) For lots which do not meet the lot width requirements, the side yards may be reduced in the same proportion as the reduced width bears to the required width, but in no case shall the proposed side yards be less than one-half of the required side yards.
- (g) For lots which do not meet the lot depth requirement, the front and rear yards may be reduced in the same proportion as the reduced lot depth to the required lot depth, but in no case shall the proposed front yard be less than the smallest front yard allowed under § 21-79B nor the proposed rear yard be less than eighty (80%) percent of the required rear yard for the zone.

Section 2. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

Section 3. REPEALER. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 4. EFFECTIVE DATE. This Ordinance shall take effect after final passage as provided by law.

Seconded by Mr. Francy and approved on the following roll call vote:

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan
NAYES: None
ABSENT: None
ABSTAIN: None

Mr. Leubner briefly explained.

O-14-4 – Ordinance Amendment RE: Flood Vents

Mrs. Cummins read the title of O-14-4.

Mr. Leubner gave a brief explanation of the ordinance.

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Mayor Nolan offered the following Ordinance and moved on its introduction and setting of a public hearing date of February 19, 2014 at 8:00 p.m.

BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH
ORDINANCE NO. O-14-4

**AN ORDINANCE AMENDING § 21-124.5 “ENCLOSURE OPENINGS” OF THE
BOROUGH CODE TO REMOVE THE REQUIREMENT THAT THERE MUST BE
ONE OPENING WITHIN THREE (3) FEET OF ANY BUILDING CORNER**

WHEREAS, N.J.S.A. 40:48-1, et seq. authorizes local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry; and

WHEREAS, the changes contained in this ordinance have been recommended by the Zoning Officer and Borough Engineer; and

WHEREAS, the Governing Body has determined that it is in the best interests of the residents of the Borough to amend Code Section 21-124.5 to provide for the within changes; and

NOW THEREFORE BE IT ORDAINED, by the Governing Body of the Borough of Highlands, the County of Monmouth, in the State of New Jersey, as follows:

NOTE: All additions are shown in ***bold italics with underlines***. The deletions are shown as ***strikeovers in bold italics***. Sections of Chapter 21 that will remain unchanged are shown in normal type.

Section 1. Chapter 21, Section 124.5, “Enclosure Openings” shall be amended as follows:

All new construction and substantial improvements having fully enclosed areas below the lowest floor that are usable solely for the parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade ~~***and there must be one (1) opening within three (3) feet of any building corner.***~~ Openings may be equipped with screens, louvers, or other covering or devices provided that they permit the automatic entry and exit of floodwaters. (Ord. No. 0-09-30 § 21-124.5)

Section 2. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

Section 3. REPEALER. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 4. EFFECTIVE DATE. This Ordinance shall take effect after final passage as provided by law.

Seconded by Mr. Redmond and approved on the following roll call vote:

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan

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NAYES: None
ABSENT: None
ABSTAIN: None

Other Business:

R-14-51 – Resolution Requesting Extension of Housing at Fort Monmouth

Mrs. Cummins read the title of R-14-51.

Mayor Nolan gave a brief explanation.

Mr. Padula read the resolution into the record.

Mayor Nolan offered the following resolution and moved on its adoption:
R-14-51

**RESOLUTION OF THE BOROUGH OF HIGHLANDS REQUESTING AN
EXTENSION OF APRIL 1, 2014 TERMINATION DATE FOR FEMA HOUSING
ASSISTANCE FOR FAMILIES DISPLACED AS A RESULT OF DAMAGE CAUSED
TO THEIR HOMES BY SUPERSTORM SANDY**

WHEREAS, numerous citizens of the Borough of Highlands have been displaced from their homes as a result of damage sustained from Superstorm Sandy; and

WHEREAS, many of these residents require substantial repairs or total replacement of their homes; and

WHEREAS, delays to commencement of construction have been created by the Federal, State, and local governments as a result of new flood mapping; insurance claims, and new building regulations, creating an additional hardship on these displaced residents; and

WHEREAS, the Borough hereby requests the support of neighboring municipalities; our local legislators; County Freeholders, County Clerk, and the Governor, for their support in petitioning FEMA for a six (6) month extension of the April 1, 2014 termination of Federal relocation assistance to those families who are still without a residence in the aftermath of Superstorm Sandy;

NOW, THEREFORE, BE IT IS RESOLVED by the governing body of the Borough of Highlands that a copy of this Resolution be provided to the following:

1. Governor Christopher Christie
2. Senator Joseph M. Kyrillos
3. Assemblywoman Amy H. Handlin
4. Assemblyman Declan O' Scanlon, Jr.
5. Monmouth County Freeholders
6. Monmouth County Clerk
7. The neighboring municipalities of Atlantic Highlands, Middletown, and Sea Bright
8. Congressman Frank Pallone

Seconded by Ms. Ryan and adopted on the following roll call vote:

ROLL CALL:

AYES: Ms. Ryan, Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan

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NAYES: None
ABSENT: None
ABSTAIN: None

Borough Engineer's Status Report

Mr. Leubner read thru his report.

The following is the status of various projects in which we are involved as Borough Engineer:

Capital Improvement Projects

1. **Flood Reduction Program:** The project has been put on hold. We have requested to be included in the 2015 EIT funding cycle at this time. We are also currently seeking other Federal funding options in an effort to move the project forward.
2. **The Dredging of Jones Creek at Snug Harbor:** Permit applications and associated plans are completed.
 - County has completed the dredging of the creek and removal of the spoils pile from the vacant lot on Shore Drive.
 - County has repairs to perform due to damage they caused during the operation.
 - Meeting was held with the County on September 16, 2013 to review damaged areas and reject recent repairs. County has agreed to make the requested repairs but has been uncommitted to a date to complete the repairs.
 - NJDEP permit application has been submitted.
3. **The Replacement of the North Street Stormwater Pumpstation:** The station was lost during Hurricane Sandy.
 - A 12" trailer pump is currently in place and utilized as needed until a more permanent pump is installed.
 - Design is substantially complete.
 - Station has been redesigned higher to be out of the new floodplain per recent ABFE's.
 - Design has been revised to utilize electric pumps with a backup diesel generator due to the inability to satisfy NJDEP sound attenuation regulations.
 - Draft plans have been submitted to the Governing Body for review. We will advertise the project once bonding is in place and we are authorized to do so.
 - Awaiting further direction from the Governing Body with regards to the overall size of the station. Now that the new flood maps have been released, the overall height of the station can be reduced by four feet.
 - Access agreements are required from the adjacent property owners for construction purposes.
 - Currently working with Pumping Services to re-install existing pump and make station operational until design of new station is completed. The existing pump is currently under repair.
4. **The Reconstruction of Bayside Drive:** The project includes the area between Marie and Matthews Streets and is being funded by Exxon/Mobil as part of the overall remediation project.

Bid Date:	April 30, 2013
Award Date:	May 1, 2013
Contractor:	Esposito Construction, LLC, Matawan, NJ
Amount:	\$110,955.00

 - Contracts have been approved by the Borough Attorney.
 - Concerns have been raised pertaining to material disposal and water levels within the ditch area. Test results have been received on the material and the material will be disposed of appropriately.
 - Project has been substantially completed.

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- The only remaining punchlist item is extending the retaining wall an additional 100 feet to the west. That work to be completed in the near future as weather permits.
5. **The Replacement of the Bay Street Retaining Wall:** This project will replace the failing retaining wall on Bay Street along the frontage of house #8.
- Project was recently authorized by the Mayor and Council.
 - Project design is underway.
 - Soil borings have been completed. Awaiting soil borings logs to finalize design.
6. **The Waterwitch Avenue & Linden Avenue Drainage Project:** The intent of this project is to capture sediment frequently received from Monmouth Hills and Route 36 to keep it from clogging the Borough's infrastructure and causing additional flooding.
- Project study and design are underway.
 - Project survey is nearing completion.
 - Borough DPW and PD assistance is required for manhole access throughout the project area.

Grants and Loans

1. **FEMA Hazardous Mitigation Assistance Grant Application (Flood Reduction Program):** The Letter of Intent was submitted to FEMA on April 8, 2011 as required. FEMA has reacted favorably to the Borough's flood reduction project as described in the Letter of Intent. T&M Associates has prepared and submitted the grant application on behalf of the Borough. The application was submitted on October 28, 2011. The Borough has been notified that the project ranks third and fourth on the State funding list. We are currently researching other avenues of Federal funding to assist in moving the project forward.
2. **Monmouth County Community Development Block Grant:** The Borough has been informed that an award of \$178,077.00 has been made. This funding may be able to be re-programmed towards the replacement of the North Street Pumpstation based on prior discussions with the County.
3. **FY 2013 NJDOT Local Aid Applications:** The application for the resurfacing of Shore Drive between Waterwitch Avenue and Locust Street has been submitted as directed by the Governing Body. The Borough has been informed by the NJDOT that \$200,000 has been awarded for this project.
4. **FY 2014 NJDOT Local Aid Applications:** As requested, T&M Associates prepared and submitted a Local Aid application for consideration for Shrewsbury Avenue from Bay Avenue to Miller Street.

Mr. Francy asked about the request from Exxon regarding the water on the street side of Bayside Drive.

Mr. Leubner stated that the water seems to be coming up thru an expansion joint and is being addressed.

Mr. Francy said that we need to identify the source of the water.

Mr. Leubner feels that the new wall will take care of it.

Request for Refund of Sewer Interest Payment – Bayview Condo Assoc.

Ms. Ryan stated that she does feel bad for them, but does not see that we can do anything. We would also have to do for others.

Mr. Pfeffer stated that Mr. Padula needs to research this. He is not sure the governing body has the authority to do this.

Mr. Padula will look into see if there is a process to appeal and give answer at the next meeting.

Ms. Kane feels we cannot waive this, it's not right.

Master Plan Discussion:

Mayor Nolan explained that he would like the council to authorize the Planning Board to start the process of revisiting the Master Plan.

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Mr. Pfeffer stated that if you are asking the Planning Board to redo the entire Master Plan, there is a financing method since Hurricane Sandy. He further explained. We need to ask the Planning Board about an estimated cost.

Mayor and Council directed Mr. Padula to send a letter to the Planning Board asking for an estimated cost.

Letter of Support:

Mr. Hill explained that an organization involved with the DOI Funding would like to have our support for a project involving the Shrewsbury and Navesink River Water Sheds. If it is funded, we will be impacted by the studies.

Mayor Nolan authorized Mr. Hill to send a letter of support.

Authorization for Bid Specs for 4.6 Million Dollar Flood Control Project:

Mr. Francy stated that the council is in the process of deciding to move ahead with the Flood Control Project. We are still exploring the funding opportunities for Grants. We need to move ahead. This authorization is for Bid Specs for the current designed project. We need to review the design to make sure the plans hold up. He wants a second professional engineer's opinion on the plans other than T&M. This would be just to confirm the plans.

Rob Keady stated that he looks at the plans while taking the last storms into consideration. If changes are made, we would require new permits.

Council further discussed.

Mr. Padula stated that the specs are part of the plans.

Mr. Keady said the review would be to verify elevations and grade, etc.

Mr. Pfeffer stated that if you authorize bid specs, you will need a proposal for professional service contract. We have \$1.2 million authorized as our share of this project. If you go forward, he will have to sell a note on this bond ordinance. The authorization for the bidding for the EIT, we do not have an authorization in place to go out to bid. That will take several trips to the Local Finance Board for approval. He also asked what bond counsel will handle this project.

Mr. Francy said that Matt Jessup is one. We need to do a professional service resolution for him.

Mr. Pfeffer said we do have an ordinance in place that will partially funded by DBIZ. He does not want to see anything going out that is in EIT. He explained his concerns.

Mr. Keady will look into it and find out.

Mr. Pfeffer will bring information back to the table.

Mr. Padula will do a resolution appointing Matt Jessup as Co-Bond Counsel.

Mr. Francy will work with T&M to create an RFP regarding a peer review and a dollar amount.

Ms. Kane feels we need to show the public that we are serious about getting it done and will work diligently to get the grant money back. We need to do infrastructure improvements.

Authorization For Bonding for EIT Involvement of Flood Project:

This was discussed under Bid Specs Flood Control Project.

Washington Ave. Drainage:

This item was already discussed.

Update on Rutgers Study:

Mr. Francy stated that he received word that Rutgers has enough students to open the studio. They will open January 27th. He will have an update at the next meeting.

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Public Portion:

Kim Skorka of 315 Shore Drive wants to know about substandard committee appointments. She would like committees on the website with meeting dated and locations.

Ms. Ryan is working with Ms. Kane on getting a list with all committee information.

Kim Skorka asked when the sidewalk would be fixed on Shore Drive.

Mr. Hill is having the contractors look in to it.

Arnie Fuog of 50 Valley Street introduced Lois Bajor of Highlands Borough Arts Council. He would like Mayor and Council to support the Arts Council.

Mayor Nolan asked Arnie Fuog to send council a letter of the mission and who is on the Arts Council.

Arnie Fuog continued to describe the various types of art this includes. He would also like council to be founding members.

Lois Bajor explained that the Art Council is not just painting; it could be music education, various crafts. She further explained that the wall on Miller Street will be completed by this year when the weather gets better.

Ms. Ryan stated that she has met with several members of the art council and feels this is a wonderful thing.

Mayor Nolan said we will have a resolution of support at the next meeting.

Barbara Ianucci of 28 Shrewsbury Avenue would like the town to move forward with the homes that Chief Blewett spoke about earlier. She also supports Mr. Francy's peer review.

Melissa Pederson of 17 Bay Street questioned notification of road work.

Mr. Hill said notification will be given adequately.

Melissa Pederson questioned the coordination of street openings with utility replacements.

Mr. Francy stated that our plans are to have it happen at the same time.

Arnie Fuog asked if we can stop the utilities from opening the roads.

Discussion on road openings continued.

Melissa Pederson asked if the CFO deal if for four years.

Mr. Padula stated that it is for 3 ½ years.

Jennifer Olsen of 61 Barbarie Avenue said her street sign is missing.

Mr. Hill said that an order was placed for street signs. He will check on the Barbarie street signs.

Jennifer Olsen asked when the minutes will be updated on the web and asked about the St. Bernard Project.

Mr. Hill spoke with the St. Bernard Project people two weeks ago. We asked them what is the commitment that they need from the Borough to identify homes and properties. They are seeking funds. They are trying to raise \$2 million to help out regionally, not just Highlands.

Jennifer Olsen questioned Captain's Cove installing a fence will just hide his junk.

Mr. Hill stated that the trash will be removed from the site.

Mr. Francy spoke of the agreement with Captain's Cove.

Carol Bucco of 330 Shore Drive spoke of the municipal service agreement needs to be re-negotiated regarding bulk pick up. The Condo has to hire dumpsters.

Mr. Pfeffer said he did meet with them. We were trying to come up with a calculation that would be a fair share per unit. He will analyze the next two bulk picks ups.

Carol Bucco asked about the Bayside Drive project and how far it would be extended.

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Mr. Leubner said yes, 100 ft.

Carol Bucco spoke about the D building flooding from the creek on Bayside Drive.

Discussion continued.

Mr. Leuber will look into it.

Mayor Nolan offered a motion to adjourn, seconded by Ms. Kane and all were in favor.

The Meeting adjourned at 10:04 p.m.

Debby Dailey, Deputy Clerk

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